IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD**

**WRIT PETITION NO : 20568 of 2004**

Between:

Gajula Chandrasekhar, s/o Ucheerappa,
Anthony Street, Guntakal, Ananthapur District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep., by its Secretary,

General Administration (L&O.II) Department,
Secretariat, Hyderabad.
2 The Collector & District Magistrate, Anantapur District,

Anantapur.
3 The Superintendent of Police, Anantapur District, Anantapur.
4 The Superintendent, Central Prison,
Cherlapalle, R.R.District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas Corpus or any other appropriate writ order or direction and call for the records relating to and connection with Proceedings C.No.5001-30/MC/2004, dated 18-9-2004 and quash or set aside the same as illegal, arbitrary and contrary to the provisions of Act 1/1986 and order release of the Detenu Boya Prasad @ Kodavali Prasad and consequently direct the respondents to pay Rs.50,000/- as compensation bay way of damages for detaining the detenu illegally.

**Counsel for the Petitioner: MR.N.SUBBA RAO**

**Counsel for the Respondent Nos 1 to 4.: THE ADVOCATE GENERAL**

**The Court made the following :**

**Oral Order:** (Per Sri BN.J)

The detention of the detenu has been challenged in this writ petition by the brother-in-law of the detenu. It is submitted that the detenue was arrested on 11.10.2004 in terms of an order dated 18.9.2004 passed by the detaining authority under the provisions of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land grabbers Act (Act 1/1986) (hereinafter referred to as "the Act") and has been lodged at Central Prison, Cherlapalli. The order of detention has been challenged on various grounds.

Counter has been filed and record has also been produced. There are as many as six grounds mentioned in the grounds of detention. All the grounds relate to registration of cases against the detenu. The first case pertains to an FIR lodged on 15.3.1996. This case has already ended in acquittal, which is noticed in the grounds of detention. Another ground is also pertaining to an FIR lodged in the year 1996. In this case also, the detenu has been acquitted. From 1996 till 2003, no case has been registered against the detenu and the next incident given as ground No.4 by the detaining authority pertains to an offence allegedly committed on 8.4.2003. The offences committed by the detenu in the year 1996 could not frame the grounds for detention as they were stale in the point of time and there was no continuity even in the behaviour of the detenu as after 1996, there was no complaint or no case was registered against the detenu till 8.4.2003. Since these two grounds were too stale in point of time, they were irrelevant. If a ground of detention is irrelevant, the whole detention order goes, as the grounds are not separable under the Act as has been held already by this court.

For these reasons, the order of detention cannot be sustained. It is accordingly quashed and the respondents are directed to release the detenu forthwith, if not required in any other case.

The writ petition is accordingly allowed. No costs.

(BILAL NAZKI,J)

Dated 30..11..2004

(CH.S.R.K.PRASAD,J)

msv.

Rule nisi has been made absolute as above. Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the thirtieth day of November, Two Thousand and Four.

To

1 The Secretary,

General Administration (L&O.II) Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Collector & District Magistrate, Anantapur District,

Anantapur.
3 The Superintendent of Police, Anantapur District, Anantapur.
4 The Superintendent, Central Prison,
Cherlapalle, R.R.District.

5. 2 CCs to the Advocate General, High Court of A.P.(OUT),

Hyderabad.

6. 2 CD copies.